

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

STEPHEN DWAYNE LESTER,

Plaintiff,

v.

DEPUTY NUE, DEPUTY TILTON,  
SAN FRANCISCO COUNTY JAIL  
MEDICAL DEPARTMENT, DOES 1-  
1000,

Defendants.

No. C 10-5365 WHA (PR)

**ORDER DENYING MOTIONS FOR  
EVIDENCE; DIRECTING  
DEFENDANTS TO PRODUCE  
EVIDENCE; EXTENDING TIME**

(Docket Nos. 24, 25)

Plaintiff's motions "for release of evidence" (docket numbers 24 and 25) are **DENIED** because they seek evidence concerning issues that are not raised in defendants' pending motion to dismiss or alternatively for summary judgment. The motions may be renewed following resolution of defendants' motion, if that motion is denied.

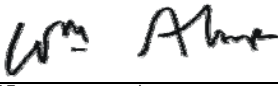
As defendants' motion is based upon plaintiff's alleged failure to exhaust his administrative remedies, defendants were previously ordered to provide plaintiff with copies of all administrative grievances he filed while in the San Francisco County Jail not already provided to him. Defendants have written a letter stating that plaintiff has been in the custody of the County Jail on many occasions pre-dating the matters raised in this case. Provided defendants file a declaration to that effect by a custodian of records within **seven** days of the date this order is filed, defendants need only provide plaintiff with copies of administrative grievances filed while in the custody of the County of San Francisco after June 3, 2010, when the alleged harm of which plaintiff complains began. Defendants are required to produce plaintiff's administrative grievances after plaintiff's transfer to other facilities of the San Francisco County Jail in July 2010 because plaintiff could have filed grievances about the harm

1 to him in June 2010 even after he was transferred to other such facilities. This should not be an  
2 undue additional burden to defendants because defendants presumably had to locate and review  
3 all administrative grievances filed by plaintiff after June 3, 2010, before arguing that he did not  
4 his administrative remedies with respect to the claims raised in this action. Defendants **shall**  
5 provide such evidence to plaintiff within **14 days** of the date this order is filed.

6 In light of the foregoing, the deadline for plaintiff to file an opposition to defendants'  
7 motion to dismiss or alternatively for summary judgment is extended to and including  
8 **November 15, 2011**. Such opposition shall be deemed as a supplemental to plaintiff's  
9 "response" filed on September 27, 2011 (docket number 28). Defendants **shall** file a reply brief  
10 within **14 days** of the date any opposition is filed.

11 **IT IS SO ORDERED.**

12 Dated: October 6, 2011.

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15 WILLIAM ALSUP  
16 UNITED STATES DISTRICT JUDGE  
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